

National Academy of Arbitrators

2011 Annual Meeting

May 25 - 28, 2011

San Diego, CA



Varieties of the Arbitration Experience

**The San Diego Marriott
Hotel & Marina
333 West Harbor Drive
San Diego, CA 92101**

The NAA gratefully acknowledges the publicity sponsorship of Labor & Employment Law Section, State Bar of California; American Arbitration Association; Federal Mediation and Conciliation Service; California Mediation and Conciliation Service; Labor Law Sections of the San Francisco and Los Angeles County Bar Associations; and LERA.

Guest Program as of print date March 8, 2011

THE HOTEL

The San Diego Marriott Hotel and Marina is located at 333 West Harbor Drive, San Diego, CA 92101. The Academy's block of guest rooms at a special conference rate of **\$199** for a standard single/double room **is limited**; rooms in our block will be **available until April 12, 2011, or until our block is sold out, whichever occurs first**. Attendees will be eligible for the conference rate of \$199 for a standard single/double room **only as long as rooms in the Academy's room block remain available**. Room reservations may be made by calling the San Diego Marriott Hotel and Marina at 619-234-1500 **Please make certain that your reservation is assigned to the National Academy of Arbitrators' room block**. Contact the hotel directly for information on suites. Each room reservation must be guaranteed by a first night's deposit either by check or a credit card acceptable to the San Diego Marriott Hotel and Marina.

MEETING REGISTRATION

Each annual meeting registration includes one non-transferable registrant ticket for the following events: Wednesday Wine and Cheese Reception, Thursday Luncheon, Friday Luncheon, and Friday Dinner. Tickets are available at an additional cost for spouse/companions/partners to attend all ticketed events. Spouse/Companions/Partners tickets are transferable. Tickets will be collected for all meal events.

Please return the enclosed registration form or register on the NAA Website, www.naarb.org at your earliest convenience.

REGISTRATION FEE SCHEDULE:

Registration Fees Paid and Postmarked March 1 – April 25, 2011:

Advocacy Training Program Only	\$189
Annual Meeting Only	\$650
Advocacy Training & Annual Meeting Combo	\$799

Registration Fees Paid or Postmarked after April 25, 2011:

Advocacy Training Program Only	\$229
Annual Meeting Only	\$725
Advocacy Training & Annual Meeting Combo	\$899

Please see your registration form for information regarding Group Discounts.

Payment must accompany registration. Only those registrants whose full registration fees have been received at the NAA Operations Center by April 25, 2011 will appear on the Participant List. No supplemental lists will be prepared.

Only cancellations received by April 25, 2011 will be guaranteed a refund of the meeting fees and/or an abatement of unpaid costs, minus a \$100 processing fee. Registrants who fail to attend will receive post-meeting invoices for their outstanding balances. **Please Note: The Academy accepts MasterCard, Visa and Discover only – and all fees are payable in U.S. Funds.**

Tuesday, May 24, 2011

1:00 p.m. – 5:00 p.m.NAA Registration Desk

1:30 p.m. – 5:00 p.m.Board of Governors

1:30 p.m. – 5:00 p.m.Membership Committee

1:30 p.m. – 5:00 p.m.CPRG

Wednesday, May 25, 2011

8:00 a.m. – 5:00 p.m.NAA Registration Desk

8:00 a.m. – 5:00 p.m.Board of Governors

8:00 a.m. – 5:00 p.m.Membership Committee

8:00 a.m. – 5:00 p.m.CPRG

8:00 a.m. – 12:00 p.m.New Member Orientation

12:00 p.m. – 1:30 p.m.New Member Luncheon
(Invitation Only)

8:45 a.m. – 5:00 p.m.Advocacy Skills for Today's Workplace
(Additional Fee)

5:30 p.m. – 6:30 p.m.Wine & Cheese Reception

Thursday, May 26, 2011

7:00 a.m. – 8:00 a.m. Committee Meetings TBD

8:00 a.m. – 5:00 p.m. NAA Registration Desk

8:30 a.m. – 8:45 a.m. Welcome and Introductory Remarks

Gil Vernon	Fred Horowitz	Margaret R. Brogan	Barry Winograd
NAA President	Chair	Co-Chair	Co-Chair
<i>Eau Claire, WI</i>	Host Committee	Program Committee	Program Committee
	<i>Santa Monica, CA</i>	<i>Philadelphia, PA</i>	<i>Oakland, CA</i>

8:45 a.m. – 10:00 a.m. Plenary

**ARBITRATION AND THE PUBLIC SECTOR'S
ECONOMIC CRISIS - A TALE OF TWO CITIES**

Is this the “worst of times” for the public sector and its unions? Our panelists will discuss their first-hand experiences in Boston and San Francisco, and how interest arbitration and mediation was utilized in the face of major budgetary shortfalls.

Moderator:

Roberta Golick, NAA
Sudbury, MA

Panelists:

Martin Gran
Employee Relations Director
City and County of San Francisco, CA

Vincent A. Harrington, Jr.
Weinberg, Roger & Rosenfeld
Alameda, CA

Thomas Kochan, NAA
Professor, MIT Sloan School of Management
Cambridge, MA

10:00 a.m. – 10:30 a.m. Transition Break

Thursday, May 26, 2011 (Continued)

10:30 a.m. – 11:45 a.m. Plenary

PRIVACY IN THE AGE OF TECHNOLOGY

Does it exist? Who has a right to it? Arbitrators from Canada and the U.S. will explore issues related to employer monitoring of employee computer use and internet access. This interactive session, utilizing the enjoyable “red light-green light” format, will also examine employee comments and exchanges by email, text messaging and various social networking sites.

Moderator:

Jane H. Devlin, NAA
Toronto, ON

Panelists:

Norman Brand, NAA
San Francisco, CA

Chris Sullivan, NAA
Vancouver, BC

R. Douglas Collins, NAA
Hermosa Beach, CA

David R. Williamson, NAA
London, ON

Joan G. Dolan, NAA
Brookline, MA

12:00 p.m. – 1:45 p.m. Presidential Luncheon

Presidential Address:

Gil Vernon, NAA President
Eau Claire, WI

Introduction:

David A. Petersen, NAA
Pittsburgh, PA

Special Honoree:

Vella M. Traynham
Director of Arbitration Services
Federal Mediation and Conciliation Service
Washington, DC

Thursday, May 26, 2011 (Continued)

1:45 p.m. – 2:00 p.m.Transition Break

2:00 p.m. – 3:15 p.m. Concurrent Session

**ARBITRATION OF INJURIES IN THE NATIONAL
FOOTBALL LEAGUE**

Members of the panel will discuss the unique venue of football injury arbitration. What features distinguish it from labor arbitration in other industries? What is the status of injuries in professional football?

Moderator:

Jack Clarke, NAA
Montgomery, AL

Panelists:

W. Buckley Briggs, Vice President	Timothy J. English
Labor Arbitration & Litigation	Staff Council
NFL Management Council	NFL Players Association
<i>New York, NY</i>	<i>Washington, DC</i>

2:00 p.m. – 3:15 p.m. Concurrent Session

**ARBITRATION IN HEALTH CARE: THE KAISER
PERMANENTE PARTNERSHIP MODEL**

A sweeping labor-management program to resolve workplace disputes in a systematic, cooperative, and cost-sensitive manner has been implemented by a major health care provider and its unions. This efficient and inexpensive method of resolving grievances promotes joint problem-solving and can be adopted in other settings.

Moderator:

Anita Christine Knowlton, NAA
Berkeley, CA

Panelists:

David G. Isaac	Patricia G. Sanchez
Senior Labor Relations Consultant	Secretary-Treasurer OPEIU, Local 29
Kaiser Permanente	<i>Alameda, CA</i>
<i>Oakland, CA</i>	
Richard D. Rosas	Debby Schneider
Assistant Director, Labor Relations	LMP Consultant
Kaiser Permanente SoCAL	Kaiser Permanente NCAL Office
<i>Pasadena, CA</i>	of the Labor Management Partnership
	<i>Salida, CA</i>

Thursday, May 26, 2011 (Continued)

2:00 p.m. – 3:15 p.m. Concurrent Session

**STATUTORY RIGHTS IN LABOR ARBITRATION
AFTER PYETT**

What is the state of arbitration in this post-Pyett world? When employers and unions add clear contract language to expand the scope of traditional labor arbitration proceedings to encompass external law claims, what can arbitrators and advocates expect and how will CBA cases be changed?

Moderator:

Homer C. La Rue, NAA
Columbia, MD

Advocates:

Kathleen Phair Barnard
Schwerin Campbell Barnard
Iglitzin & Lavitt
Seattle, WA

Douglas R. Hart
Sidley Austin
Los Angeles, CA

Arbitrators:

Melissa Biren, NAA
Maplewood, NJ

Susan T. Mackenzie, NAA
New York, NY

John Kagel, NAA
Palo Alto, CA

Friday, May 27, 2011

8:00 a.m. – 5:00 p.m. NAA Registration Desk

7:30 a.m. – 8:30 a.m. Committee Meetings TBD

Friday, May 27, 2011 (Continued)

8:30 a.m. – 10:00 a.m. Plenary

THE CASE OF THE MISSING MONEY: REVISITING THE ELEMENTS OF JUST CAUSE

Experienced advocates will present testimony and argument on the discharge of a delivery driver. Arbitrators and a System Board will deliberate and rule. Join our audience to review and decide the case. How can a seemingly simple set of facts create such disagreement about what is just cause?

Moderator:

Barry Winograd, NAA
Oakland, CA

Advocates:

Ira L. Gottlieb
Bush Gottlieb Singer López
Kohanski Adelstein & Dickinson
Glendale, CA

Lindbergh Porter
Littler Mendelson
San Francisco, CA

Arbitrators:

Jules Bloch, NAA
Toronto, ON

Kathleen Miller, NAA
Ardmore, PA

Edna E.J. Francis, NAA
Los Angeles, CA

Lou Zigman, NAA
Los Angeles, CA

Joan M. Gordon, NAA
Vancouver, BC

System Board of Adjustment:

Gerry Anderson
Sr. Director & Labor Relations Counsel
AirTran Airways
Orlando, FL

Brett Durkin
Vice President
Association of Professional
Flight Attendants
Eufless, TX

Stephanie L. Babish
Counsel – Employee Relations
American Eagle Airlines
Ft. Worth, TX

Mark Moscicki
Senior Principal Employee
Relations
American Airlines
Ft. Worth, TX

Gail L. Bigelow
Alaska MEC Grievance Chairperson
AFA-CWA
Orting, WA

Maria I. Torre
Chairperson United MEC
AFA-CWA
Rosemont, IL

Friday, May 27, 2017 (Continued)

10:00 a.m. – 10:30 a.m. Transition Break

10:30 a.m. – 11:45 a.m. Plenary

**THE SURPRISING STRENGTH OF AN EMPTY DUTY -
DFR ISSUES IN LABOR ARBITRATION**

The Duty of Fair Representation, however weak it might be in terms of ultimate judicial outcomes, can influence the plans and strategies of unions and employers in dealing with grievances. A panel of arbitrators and advocates will explore the practical and ethical implications of the DFR in the conduct of hearings and in decision-making.

Moderator:

James Oldham, NAA
Washington, DC

Advocates:

Joseph L. Paller, Jr.
Gilbert & Sackman
Los Angeles, CA

Harry A. Risetto
Morgan Lewis & Bockius
Washington, DC

Arbitrators:

Elliott Goldstein, NAA
Chicago, IL

Barbara Zausner, NAA
Mt. Tremper, NY

Paula Knopf, NAA
Toronto, ON

11:45 a.m. – 12:00 p.m. Transition Break

12:00 p.m. – 1:30 p.m. Distinguished Speaker Luncheon

**ENDURING VALUES AND PERSISTENT PROBLEMS:
AMERICAN LABOR LAW TODAY**

Wilma Liebman
Chair, National Labor Relations Board

Introduction:

Hon. John M. True, III
Alameda County Superior Court
Oakland, CA

Friday, May 27, 2011 (Continued)

1:30 p.m. – 1:45 p.m. Transition Break

1:45 p.m. – 3:15 p.m. Concurrent Session

MERGERS IN THE AIRLINE INDUSTRY

Experienced panelists will discuss the timely topic of mergers, and how seniority list integration disputes in arbitration have evolved over the years, adapting to the demands of changing needs and technology. The panelists will discuss how their experiences have relevance to all airline crafts touched by mergers.

Moderator:

Richard I. Bloch, NAA
Washington, DC

Panelists:

Jeffrey R. Freund
Bredhoff & Kaiser
Washington, DC

Bruce York
Director of Representation
Air Line Pilots Association
Herndon, VA

Daniel M. Katz
Katz & Ranzman
Washington, DC

1:45 p.m. – 3:15 p.m. Concurrent Session

**THE POSTAL INDUSTRY: THE GRIEVANCE
PROCEDURE AND CURRENT EVENTS**

Postal Industry experts will consider current issues related to postal panel grievances, as well as other timely topics involving the industry.

Moderator:

Ruben Armendariz, NAA
San Antonio, TX

Panelists:

Omar Gonzalez
APWU Regional Coordinator
Burlingame, CA

Bridgett Reinhold
Pacific Area Labor
Relations Specialist
USPS
San Diego, CA

Joey C. Johnson
Director of Labor Relations
Nat'l Rural Letter Carrier Assn.
Alexandria, VA

Nat'l Assn. of Letter Carriers,
Region 1
Representative to be named

Friday, May 27, 2011 (Continued)

3:15 p.m. – 3:30 p.m. Transition Break

3:30 p.m. – 4:45 p.m. Concurrent Session

**ARBITRATION ON THE SCREEN: RESOLUTION OF
CREDIT AND OTHER DISPUTES BETWEEN
HOLLYWOOD WRITERS AND PRODUCERS**

Leading counsel for the entertainment industry and the Writers Guild of America provide an insider's view of credit disputes and related rights of motion picture and television writers under the Guild agreement, including the procedures used to resolve disputes among writers and between writers and producers.

Moderator:

Fred Horowitz, NAA
Santa Monica, CA

Speakers:

William L. Cole
Mitchell Silberberg & Knupp
Los Angeles, CA

Anthony R. Segall
Rothner Segall & Greenstone
Pasadena, CA

3:30 p.m. – 4:45 p.m. Concurrent Session

HIGH SPEED RAIL - PROMISE AND CHALLENGE

This session will explore the potential benefits for the traveling public of developing a viable high speed rail system throughout the United States and the anticipated challenges, both political and organizational, for railroad management and labor.

Moderator:

Elizabeth C. Wesman, NAA
Hendersonville, NC

Panelists:

Drew Galloway
Assistant Vice President,
Policy and Development
National Railroad Passenger Corp. (Amtrak)
Philadelphia, PA

James A. Stem, Jr.
National Legislative Director
United Transportation Union
Washington, DC

4:45 p.m. - 5:45 p.m. Committee Meetings TBD

6:30 p.m. - 10:30 p.m. Reception and Dinner

Saturday, May 28, 2011

7:00 a.m. – 8:00 a.m. Committee Meetings TBA

8:00 a.m. – 4:00 p.m. Registration Desk

8:30 a.m. – 9:00 a.m. Member Recognitions
New Members and 25 & 50 Year Members

9:00 a.m. – 11:30 a.m. NAA Annual Business Meeting
(NAA Members Only)

9:00 a.m. – 11:30 a.m. Guest/Advocates Session

GUEST/ADVOCATES SESSION

Advocates and guests are invited to participate in a roundtable discussion on issues related to effective presentation in arbitration. How do you best persuade your arbitrator? Join our discussion leaders, and meet some of your peers, while engaging in a lively and informative session.

Arbitrator Facilitators:

Linda S. Byars, NAA
Atlanta, GA

Jack Clarke, NAA
Montgomery, AL

Advocate Facilitators:

Nancy A. Walker
Walker Law Offices
Philadelphia, PA

J. Rod Betts
Paul, Plevin, Sullivan & Connaughton
San Diego, CA

11:30 a.m. – 1:00 p.m. Lunch on Your Own

Saturday, May 28, 2011 (Continued)

1:00 p.m. – 2:15 p.m. Plenary

FIRESIDE CHAT WITH EDGAR (TED) JONES

Edgar (Ted) Jones, law professor, arbitrator, NAA President, and television personality will share reflections on his career with Anita Christine Knowlton, formerly his student, and NAA member from Berkeley, CA

2:15 p.m. – 2:30 p.m. Transition Break

2:30 p.m. – 3:45 p.m. Concurrent Session

WORKPLACE BULLYING - THE NEW VIOLENCE?

A leading expert in the field, along with a panel of experienced practitioners, will explore the issue of bullies in the workplace. Learn about the impact upon employees who are the subject of workplace bullying by either supervisors or co-workers, and how these cases might play out in the arbitration and NLRB arenas.

Moderator:

Sara Adler, NAA
Los Angeles, CA

Presenter:

Dr. Gary Namie
The Workplace Bullying Institute
Bellingham, WA

Responders:

Van Goodwin
Littler Mendelson
San Diego, CA

Ami Silverman
NLRB Region 21
Los Angeles, CA

Carlos Perez
Reich, Adell & Cvitan
Los Angeles, CA

Saturday, May 28, 2011 (Continued)

2:30 p.m. – 3:45 p.m. Concurrent Session

TWO INVITED PAPERS

Moderators:

Robert Gary Bailey, NAA
Columbia, MO

Richard N. Block, NAA
East Lansing, MI

1. Elusive Workplace Dispute Resolution in China.

The revolutionary model of workplace harmony has fallen to the pressures of private enterprise and the global economy. The fear of worker based unions, and the prohibition against collective bargaining have led to widespread worker dissatisfaction, strikes, and even suicides. Global brands have an uphill battle in trying to reduce workplace conflict while implementing their proclaimed Codes of Social Responsibility.

Author:

Arnold M. Zack, NAA
Boston, MA

2. How Much Power Does a Labor Arbitrator Have? What the Latest Supreme Court and Federal Court Arbitration Decisions Mean for Arbitrators, Employers, and Unions.

Author:

Lise Gelernter
Director, Externship Programs
University of Buffalo
School of Law
Buffalo, NY

3:45 p.m. – 4:00 p.m. Transition Break

Saturday, May 28, 2011 (Continued)

4:00 p.m. – 5:15 p.m. Concurrent Session

**ARBITRATING IN THE FISHBOWL -
GUPPIES OR SHARKS?**

Moderator Susan Stewart has “cast” about for a panel of NAA members from across Canada who have taken the “bait” and will discuss the ways for arbitrators to speak publicly, such as intervening in cases before the courts and speaking to the media. Come learn how accepted Canadian practices may differ from the U.S. experience.

Moderator:

Susan L. Stewart, NAA
Toronto, ON

Panelists:

John M. Moreau, NAA
Calgary, AB

Michel G. Picher, NAA
Ottawa, ON

James C. Oakley, NAA
St. John's, NL

Kenneth Paul Swan, NAA
Toronto, ON

4:00 p.m. – 5:15 p.m. Concurrent Session

U.S. DESIGNATING AGENCY UPDATE

Moderator:

Kathleen Miller, NAA
Ardmore, PA

Panelists:

Christine Newhall
Senior Vice President
Neil Currie
Vice President
Case Management Department
American Arbitration Association

Roland Watkins, Director
Office of Arbitration Service
National Mediation Board

Vella M. Traynham
Director of Arbitration Services
Federal Mediation and Conciliation Service

Sunday, May 29, 2011

8:00 a.m. – 11:30 a.m. Board of Governors

**COMMITTEE ON PROGRAM
2011 ANNUAL MEETING**

**Margaret R. Brogan, Co-Chair
Barry Winograd, Co-Chair**

**Sara Adler
Ruben R. Armendariz
Robert Gary Bailey
Melissa H. Biren
Richard N. Block
Linda S. Byars
Jack Clarke
Jane H. Devlin
Joan G. Dolan
Anita Christine Knowlton
Homer C. La Rue
James C. Oldham
Michael Prihar
Chris Sullivan
David R. Williamson**

**Bonnie G. Bogue (*Ex Officio*)
Fred R. Horowitz (*Ex Officio*)
David A. Petersen (*Ex Officio*)
Gil Vernon (*Ex Officio*)**

**2011 HOST COMMITTEE
ANNUAL MEETING**

**Fred R. Horowitz, Chair
Jan Stiglitz, Vice Chair**

**Claude Dawson Ames
Mei L. Bickner
Mark Burstein
R. Douglas Collins
Fredric R. Dichter
Kathy Fragnoli
Kenneth A. Perea
Philip Tamoush
Rosemary A. Townley
Louis M. Zigman**

David A. Petersen (*Ex Officio*)

**ADVOCACY CONTINUING
EDUCATION COMMITTEE**

Janice K. Frankman, Chair

**Mei L. Bickner
Timothy J. Buckalew
Sharon Henderson Ellis
Richard D. Fincher
Eleanor E. Glanstein
Joan Ilivicky
Sharon K. Imes
Christopher E. Miles
James P. O'Grady
Alan Miles Ruben
Harold D. Smith
David N. Stein
Rex Wiant, II
Marc Winters**

Elizabeth C. Wesman, (*Ex Officio*)

50 Year Member

Clare B. McDermott

25 Year Members

Robert A. Creo

Edna E.J. Francis

Mark J. Glazer

Mark M. Grossman

William H. Holley, Jr.

Arthur T. Jacobs

James M. O'Reilly

Robert V. Penfield

David A. Petersen

Lois A. Rappaport

Robert D. Steinberg

Gil Vernon

James E. Westbrook

Hoyt N. Wheeler

Perry A. Zirkel



Plan to Attend

2011 Fall Education Conference

September 16 – 18, 2011

Four Seasons Miami

Miami, FL

2012 Annual Meeting

June 6 – 9, 2012

Hyatt Regency Minneapolis

Minneapolis, MN

2012 Fall Education Conference

October 12 – 14, 2012

Francis Marion Hotel

Charleston, SC

2013 Annual Meeting

June 5 – 8, 2013

Fairmont Hotel Vancouver

Vancouver, BC